

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MASSACHUSETTS
EASTERN DIVISION**

In Re:)
)
JOHN MALONE)
)
)
Debtor)
)

Chapter 13
Case No. 24-10885-CJP

**DECLARATION OF GELENN F. RUSSELL, JR. REGARDING NOTICE OF SALE OF
26 SAVIN HILL AVENUE, DORCHESTER MASSACHUSETTS DISCLOSING ALL
CONNECTIONS AND RELATIONSHIPS AS DEFINED IN MLBR 2014-1(B)(1)(A) WITH
ANY BIDDER OR CREDITOR**

Now comes, Glenn F. Russell, Jr., counsel for John Malone (“Debtor”) who herein respectfully submits the instant Declaration to comply with this Court’s Order of January 29, 2025, which is a Supplement to the Notice of Sale Motion Disclosing All Connections and Relationships as Defined in MLBR 2014-1(b)(1)(A) with any bidder or creditor.

Undersigned’s practice involves the advancement of potential first impression novel Appellate argument involving the Massachusetts foreclosure statute, see *U.S. Bank v. Ibanez*, 458 Mass. 637 (SJC 2011), *HSBC Bank USA v. Matt*, 193 Mass 464 (SJC 2013); *Galiastro v. Mortgage Ele. Reg. Systems, Inc.*, 467 Mass. 160 (SJC 2014), *Juarez v. Select Portf. Servcs.*, 708 F. 3d. 269 (1st Cir. 2013); *Starkey v. Deutsche Bank*, 94 Mass.App.Ct. 1 (2018).

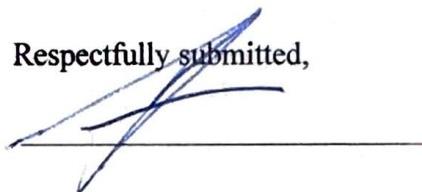
Therefore, undersigned counsel herein discloses the fact that one of the bidders, Januzak Almazbek, was a former client, and also identified undersigned to Mr. Malone as an attorney that may be able to argue a novel theory related to a theory that a post foreclosure filing of bankruptcy prior to the filing of a foreclosure deed may prevent the severing of the borrower’s right of redemption, as decided by Chief Judge Elizabeth D. Katz in; In re: Fernando A. Nevia 23-4015;

and Adversary Proceeding Loan care, LLC; Patriot Auctioneers, LLC, Sullivan & Sullivan Auctioneers, LLC, David H. Wellons, and Does #1-#19 v. Fernando A. Nevia. Adv P. Ca. No. 23-40098-EDK.

Undersigned has no other Connection(s) and/or Relationship(s) with any of the other bidders, or their counsel, as stated under Fed. R. Bankr. P. 2014(a), Rule 2014-1(b)(1)(A), which expressly requires that among the connections and relationships to be disclosed are; representation of the debtor, or any affiliate of the debtor, as that term is defined in 11 U.S.C.S. § 101(2), or any insider of the debtor as that term is defined in 11 U.S.C.S. § 101(31)

I, Glenn F. Russell, Jr., herein state under the pain and penalties of perjury on this, the FIFTH (5TH) DAY OF FEBRUARY, 2025, that the above statements are true and accurate to the best of my knowledge.

Respectfully submitted,



Date: February 05, 2024
Attorney for the Debtor

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CERTIFICATE OF SERVICE

I, Glenn F. Russell, Jr., do hereby certify that on the 5th day of February 2024, I served the above document, to the following parties via electronic mail and submission to the ECF System, and/or by USPS postage prepaid to the following:.

Assistant U.S. Trustee

John Fitzgerald

Office of the US Trustee

J.W. McCormack Post Office &

Courthouse

5 Post Office Sq., 10th Fl, Suite 1000

Boston, MA 02109

Trustee

Carolyn Bankowski

Ch 13-12 Trustee Boston

P. O. Box 8250

Boston, MA 02114

617-723-1313

28 Berkshire, LLC

Peter D. Pasciucco

50 Redfield Street, #201

Dorchester, MA 02122

Chole, LLC

James P. Ehrhardt

Ehrhard & Associates Pc

250 Commercial St,

Worcester, MA 01608

Januzak Almazbek

42 Summer Street

Dorchester, MA 02132

American Building Construction, Inc.

82 Union Street

Quincy, MA 02169

/s/ Glenn F. Russell, Jr.

Glenn F. Russell, Jr.